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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 CONNIE L. RANA and JAMIE KERZNER, on
15 behalf of themselves and all others similarly
16 situated,

17 Plaintiffs,

18 vs.

19 NARCONON OF NORTHERN CALIFORNIA
20 d/b/a NARCONON REDWOOD CLIFFS,
21 HALCYON HORIZONS, a California
22 Corporation; NARCONON FRESH START
23 d/b/a WARNER SPRINGS, a California
24 Corporation; ASSOCIATION FOR BETTER
25 LIVING AND EDUCATION
26 INTERNATIONAL, a California Corporation;
27 NARCONON WESTERN UNITED STATES,
a California Corporation; NARCONON
INTERNATIONAL, a California Corporation;
and DOES 1-100, ROE Corporations I – X,
inclusive,

Defendants.

Case No. 2:16-cv-02182-GW-RAO

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' NOTICE OF
RELATED CASES**

Assigned to: Hon. George H. Wu
Referred to: Hon. Rozella A. Oliver

JURY TRIAL DEMANDED

Complaint Filed: March 25, 2015

1 Pursuant to Local Rule 83-1.3.3, Plaintiffs Connie L. Rana and Jamie Kerzner oppose
2 Defendant s' Notice of Related Cases.

3 Parties are required to notify the Court of potentially related cases where two or more
4 cases: "(a) arise from the same or a closely related transaction, happening, or event; (b) call for
5 determination of the same or substantially related or similar questions of law and fact; or (c) for
6 other reasons would entail substantial duplication of labor if heard by different judges." LR 83-
7 1.3.1.

8 This case is a putative class action that alleges violations of California's consumer
9 protection statutes and negligent misrepresentation. It alleges that Defendants misrepresent the
10 success rate of the Narconon program and actively conceal the fact that the program is not
11 secular, but is comprised of the tenets of the Church of Scientology. It is a consumer class action,
12 and does not include any claims for personal injury, negligence, or breach of contract. It also
13 expressly excludes from the class any person who signed an arbitration clause with Defendants.

14 Notably, none of the three cases Defendant seeks to relate are currently before this Court.
15 *Lovett et al v. Association for Better Living and Educational International* ("Lovett") and *Nord-*
16 *Shafer, et al v. Association for Better Living and Education, et al* ("Nord-Shafer") were ordered
17 to arbitration more than a year ago, before the Court reached the merits. *Tyler, et al. v.*
18 *Association for Better Living and Education, et al.* ("Tyler") was voluntarily dismissed in 2014,
19 shortly after it was filed.

20 *Lovett* was an individual action brought by a former employee of a Narconon facility
21 located in Michigan. Mr. Lovett is not a putative class member because he signed an arbitration
22 agreement with a Narconon facility that is not a defendant in this action. Further, Mr. Lovett
23 alleged (1) personal injury (liver disease) as a result of participation in the Narconon program
24 and (2) breaches of the Fair Labor Standards Act from his subsequent time as an employee of the
25 facility. The transactions at issue in *Lovett* are not "closely related" to this case, and the
26 questions of law and fact differ significantly.

1 *Nord-Shafer* is also an individual action for personal injury concerning the same
 2 Michigan Narconon facility. The Plaintiffs are not putative class members as they signed an
 3 arbitration agreement with a Narconon facility that is not a defendant in this action. Like *Lovett*,
 4 this case was ordered to arbitration before the Court reached the merits. And, like *Lovett*, it
 5 concerns very different legal issues than *Rana* – Nord-Shafer seeks damages for personal injury
 6 and alleged breach of contract, negligence, premises liability, and common law fraud. They key
 7 factual issues (failure to provide appropriate medical supervision during detox and withdrawal;
 8 illness arising from the Narconon program itself and from unsafe food handling and/or other
 9 practices at the facility) are also different.

10 *Tyler* is also an individual personal injury action concerning the same Michigan facility.
 11 The *Tyler* action was voluntarily dismissed in November of 2014, within 3 months of filing,
 12 before the Court reached the merits.

13 In short, while these cases involve some of the same defendants, they are factually and
 14 legally very different from the *Rana* case; none of them are currently before the Court; and each
 15 of them was either dismissed or ordered to arbitration early in the proceedings. The risk of
 16 duplicative labor for the Court does not exist.

17
 18 Dated: April 6, 2016

By: /s/ **Michael F. Ram**

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